IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

Crl.MC.No. 2478 of 2007()

C.M.P NO.552/07 IN CC.629/05 OF JFMC-IV, NEYYATTINKARA

.....

PETITIONER: PETITIONER/ACCUSED

SEEMA,
T.C.NO.8/1147,MYTHRI NAGAR,
VALLIYAVILA,THIRUMALA P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.D.KISHORE

RESPONDENTS: RESPONDENTS/COMPLAINANT & STATE

S.SURESH KUMAR,S/O.SREEDHARAN NAIR,
'ABHIRAMI',NADUKKADU,NARUVAMMOODU P.O.,
THIRUVANANTHAPURAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 03/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.2478 of 2007

Dated this the 3rd day of August, 2007

O R D E R

The short grievance of the petitioner is that the petitioner's prayer to examine herself and her husband as defence witnesses has not been accepted by the learned Magistrate. The counsel prays that there may be a direction to the learned Magistrate to permit the petitioner to examine herself and her husband as defence witnesses. Proceedings commenced in 2005. Opportunity was also granted to the petitioner to adduce defence evidence. The order of the learned Magistrate cannot, in these circumstances, be faulted. But however, I am satisfied that an indulgent further opportunity can be granted to the petitioner to adduce her defence evidence.

2. Considering the nature of the relief that I propose to grant, I find it not necessary to wait for issue and return of notice to the respondent/complainant. I am satisfied that a direction can be issued to the learned Magistrate to permit the petitioner to examine herself and her husband as defence witnesses in the case (if the judgment has not been pronounced) on condition that the petitioner deposits an amount of Rs.1,000/- (Rupees One thousand only) as costs payable to the complainant. The petitioner shall give notice of this

order to the counsel for the complainant. She shall on the next date of posting, appear in court along with her witness ready to adduce evidence.

3. Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

rtr/-